IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3915 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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DR. RASHMIKANT KANTILAL JANI - Petitioner
Versus
DEAN, B J MEDICAL COLLEGE & 3 - Respondents

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Appearance :
MR BP TANNA for Petitioner.
NOTICE SERVED for Respondent(s) : 1, 3,
MR LB DABHI, AGP for Respondent No. 2.
MR KN RAVAL for Respondent No. 4.

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 22/12/2005

ORAL JUDGMENT

1.The petitioner has filed this petition under Article 226 of the Constitution of India praying for quashing and setting aside the order dated 04.08.1987 reverting the petitioner from the post of Associate Professor to the post of Assistant Professor and seeking direction to the respondents to regularize the services of the petitioner as Associate Professor (Microbiology). The petitioner has also prayed for the interim relief of staying the operation of the impugned order of reversion of the petitioner and directing the respondents not to disturb the petitioner from discharging his duty as Associate Professor (Microbiology) at B.J. Medical College, Ahmedabad and also to restraining the respondent Nos. 1 to 3 from promoting respondent No. 4 as an Associate Professor (Microbiology).

2.The petition was admitted and rule was issued on 29.10.1990. While issuing the rule, this Court has observed that the petition has been filed challenging the legality and validity of the order of reversion dated 04.08.1987. The Court has further observed that while issuing notice, the Court did not grant interim relief. Till today, no interim relief has been granted. The Court, therefore, held that having regard to the facts and circumstances of the case, interim relief as prayed for cannot be granted. The Court further observed that grant of interim relief would amount to allowing the petition at this stage without adjudicating the issues involved in the matter. Such an interim relief is not called for in the facts of the case. Hence, interim relief was refused. The Court further observed that if the respondents so choose may file further affidavit in reply on or before 31.01.1991 and thereafter, it

would be open to either party to request this Court for hearing.

3.Since the interim relief was not granted, the impugned order of reversion was implemented and the respondent No. 4 was promoted and by efflux of time, the petitioner has also retired in 2003. In the above view of the matter, the petition has become infructuous by efflux of time and hence, it is accordingly disposed of as having become infructuous. Rule discharged without any order as to costs.

[K.A. PUJ, J.]

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